

**Meeting of The Central Valley Flood Protection Board**

**October 17, 2008**

**Department of Water Resources Staff Report  
Flood Projects Office  
Subventions Program**

**AB1147 Proposed Regulations Status Report**

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Introduction

This memorandum is a status report on the adoption of regulations required by Assembly Bill 1147 (AB1147). It is a follow-up to a presentation to the Board made by the Department on July 18, 2008.

AB 1147 requires the Department to adopt regulations relating to the state cost share of federally authorized flood control projects. The regulations implement criteria to determine whether federally authorized flood control projects make significant contributions to certain objectives. These significant contributions are used to determine the state cost share recommended to the Legislature for state authorization of the flood control projects.

AB1147 requirements apply to federally authorized flood control projects statewide. The requirements apply to the Central Valley Flood Protection Board (Board) for projects located in the Sacramento and San Joaquin River basin where the Board will give assurances to the federal government, and apply to the Department for other projects located in the state.

Proposed Regulations

The proposed regulations address the method and process the Board (or Department) will use to recommend a state cost share. The state cost share a project will receive can range from fifty to seventy percent of a project's total eligible nonfederal cost. Flood control projects receive a baseline fifty percent state cost share. Projects with significant contributions to specific AB1147 objectives receive up to an additional twenty percent. The objectives are: habitat, open space, recreation, impoverished area, and state facilities. It is the Board's (or Department's) responsibility to determine whether a project meets the AB1147 objectives and to recommend in a report to the Legislature the percentage state cost share a project should receive.

The proposed regulations were submitted to the Office of Administrative Law (OAL) in June 2008. After the initial submittal, comments on the proposed regulations were received during a forty-five day public comment period. The July 18<sup>th</sup> presentation to the Board was during the public comment period. In addition, Board staff submitted comments on behalf of the Board.

#### Modified Proposed Regulations

In accordance with OAL procedures, Department staff evaluated all comments received until July 29<sup>th</sup>, when the first public comment period had closed and a public hearing was held. Modifications to the proposed regulations were made where appropriate. Substantial modifications included:

1. Clarification of the open space definition to include the Board's (and others) comments;
2. Allowing projects to obtain the maximum state cost share with a significant contribution to a *single* AB1147 objective (habitat, recreation, open space, impoverished area or state facilities). The original proposed regulations required that the project contribute to more than one AB1147 objective to attain the maximum state cost share;
3. Greater specificity in the definition of "state transportation facilities;" and
4. Revisions for clarity, including clarifying the process of recommending a state cost share.

The modified text of the proposed regulations (modified regulations) is attached. They are also posted on the Department's subventions website, located at <http://www.water.ca.gov/floodmgmt/fpo/sgb/fcs>. A public comment period on the modified regulations will end on October 21.

#### Next Steps

Depending on the nature of comments received during this public comment period, the modified regulations may either: 1) be substantially modified again and go through another public comment period; or 2) if no substantial modifications are made, be submitted, along with documentation, to OAL in a request for a formal Decision of Approval.

Attachment #1: Modified Text of Proposed AB1147 Regulations

## Modifications to Text of Proposed Regulations

Text proposed to be added for the 45-day comment period is displayed in underline type.  
Text proposed to be added for the 15-day comment period is displayed in double underline type.  
Text proposed to be deleted for the 15-day comment period is displayed in ~~double-strikeout underline type~~.

### **Title 23. Waters** **Division 2. Department of Water Resources** **Chapter 34.5. Financial Assistance for Flood Management Projects and** **Small Flood Management Projects**

#### **Section 570. Scope**

These regulations implement Water Code Sections 12582.7, 12585.7 and 12585.9, which became effective on January 1, 2001, by establishing a process for determining the percentage of State financial assistance for flood management projects authorized by the Legislature on or after January 1, 2002.

Note: Authority: Water Code Sections 12585.7, 12585.9 and 12601.  
Reference: Water Code Sections 12582.7 and 12585.7.

#### **Section 571. Definitions**

The following terms used in these regulations have the meanings set forth below:

- (a) "Average family size" means the average family size for a block group. This data can be obtained from the U.S. Census Bureau or other federal, state or local governmental demographics.
- (b) "Benefited area" means the geographical area that is protected by a flood management project.
- (c) "Block" means the smallest subdivision within a census geographic tract. This data can be obtained from the U.S. Census Bureau or other federal, State or local governmental demographics.
- (d) "Block group" means a cluster of blocks within a census geographic tract. The block group is the smallest census unit to have demographic data. This data can be obtained from the U.S. Census Bureau or other federal, State or local governmental demographics.
- (e) "Board" means ~~the~~ the Central Valley Flood Protection Board, formerly known as the Reclamation Board.
- (f) "Department" means the Department of Water Resources.
- (g) "Department or Board" means the Board for projects over which the Board has jurisdiction and is the nonfederal sponsor, and the Department for all other projects.



- (h) "Draft Nonfederal Cost-Sharing Report" is a report prepared by the Sponsor to document the Sponsor's estimates of the contributions of the project to the objectives of Water Code Sections 12585.7(d)(1) through 12585.7(d)(5). The requirements of this report are described in Sections 573, 574, and 575 of these regulations.
- ~~(h)~~ (i) "Estimated nonfederal capital cost" means that portion in dollars of the estimated total capital cost of a project determined by the U.S. Army Corps of Engineers or by the Natural Resources Conservation Service to be the financial responsibility of participants other than the United States, usually identified in the federal feasibility study report, final design memorandum or other approved federal project document.
- ~~(h)~~ (j) "Estimated total capital cost" means the total project cost as identified in the final federal feasibility study report, final design memorandum or other approved federal project document. It includes all costs in the federal project subject to cost sharing, such as, construction, planning, engineering and design, construction management, lands, easements, relocations, and land disposal and mitigation costs.
- ~~(h)~~ (k) "Federal feasibility study report" means the approved decision document used by the U.S. Army Corps of Engineers or by the Natural Resources Conservation Service, that establishes the feasibility for the project, and typically includes an environmental document prepared under the National Environmental Policy Act.
- (l) "Final Nonfederal Cost-Sharing Report" is a report prepared by the Sponsor that includes the Draft Nonfederal Cost-Sharing Report, comments received during a forty-five-day public comment period, and responses to the public comments.
- ~~(k)~~ (m) "Impoverished area" means a benefited area that has a median household income less than 120 percent of the poverty level, for the most current or most recent year in which data is available at the time the analysis is performed to determine the recommended state cost share.
- ~~(h)~~ (n) "Median household income" means the median household income for a block group. This data can be obtained from the U.S. Census Bureau or other federal, State or local governmental demographics.
- ~~(m)~~ (o) "Objective" means the feature, character, or quality described in Water Code Sections 12585.7(d)(1) through 12585.7(d)(5).
- (1) "Habitat objective" means the objective described in Water Code Section 12585.7(d)(1).
- (2) "Open Space objective" means the objective described in Water Code Section 12585.7(d)(2).
- (3) "Recreation objective" means the objective described in Water Code Section 12585.7(d)(3).
- (4) "Impoverished Area objective" means the objective described in Water Code Section 12585.7(d)(4).
- (5) "State Facilities objective" means the objective described in Water Code Section 12585.7(d)(5).
- (p) "Open space" is any parcel or area of land or water that is essentially unimproved and devoted to an open-space use. The open space either is designated on an open-space or general plan or will be designated upon the next revision of the open-space element of a general plan. Open space is designated as any of the following:
- (1) Open space for the preservation of natural resources;
- (2) Open space used for the managed production of resources, including but not limited to, forest lands, rangeland, agricultural lands;
- (3) Open space for outdoor recreation; and
- (4) Open space for public health and safety, including, but not limited to, flood plains, watersheds, and areas required for the protection of water quality or groundwater recharge.



- ~~(n)~~ (q) "Poverty level" means the monetary income standard that defines whether a family qualifies as living in a state of poverty. The poverty level is determined by using the U.S. Census Bureau's Poverty Thresholds Chart for the most current ~~or most recent~~ year in which data is available, average family size and the median household income, at the time the analysis is performed to determine the recommended state cost share. On the Poverty Threshold Chart, the poverty level is determined by rounding up the value of the average family size, locating that rounded up value on the size of family unit column and locating the corresponding value in the weighted average thresholds column. The corresponding weighted average threshold value is considered to be the poverty level value.
- ~~(o)~~ (r) "Project" means a flood management project receiving financial assistance under Chapters 1 through 4, Part 6, Division 6 of the California Water Code and authorized by the Legislature on or after January 1, 2002, or a small flood management project authorized by Water Code Section 12750 for which the Department of Water Resources has made the findings required by Water Code Section 12750.1 on or after January 1, 2002.
- (s) Report to the Legislature" is a report prepared by the Department or Board that contains a summary of the Sponsor's Final Nonfederal Cost-Sharing Report, recommendations and determinations required in Water Code Sections 12582.7 and 12585.9, and the Department or Board's recommended state cost share.
- ~~(p)~~ (t) "Sponsor" means the local public agency or lead local public agency sharing in the nonfederal project cost.
- ~~(q)~~ "Sponsor's nonfederal Cost Sharing Report" is a report prepared by the sponsor to document the sponsor's estimates of the contributions of the project to the objectives of Water Code Sections 12585.7(d)(1) through 12585.7(d)(5). The requirements of this report are described in Sections 574 and 575 of these proposed regulations.
- ~~(t)~~ (u) "State cost share" means the percentage of the nonfederal costs that the state is required to pay pursuant to Water Code Section 12585.7.
- ~~(r)~~ (v) "State transportation facility" ~~means~~ is a state-numbered freeway, expressway, or highway route as identified in Division 1, Chapter 2, Article 2 of the California Streets and Highways Code, including all facilities for the transportation of passengers and property to and over any toll bridge, tube or other highway crossing and the approaches to each end thereof, acquired or constructed, ~~to be acquired or constructed~~, or in course of construction by the state. Where a freeway, expressway or highway is labeled with more than one numerical designation, it shall be considered a single state transportation facility. ~~State transportation facility includes terminals, stations, viaducts, rails, tracks, power stations, substations and equipment and power supply lines, storage yards, and the real property, easements, and rights of way upon which any of them are located or situated or which are necessary therefore, and equipment, signals and interlockers, cars and rolling stock, and franchises, rights, and privileges appurtenant thereto.~~
- ~~(e)~~ (w) "State water supply facility" is a ~~S~~state water supply facility listed in Appendix I, "Water Supply Facilities of the State Water Project."
- ~~(u)~~ (x) "Tract" means the census derived geographic subdivisions of a county.

Note: Authority: Water Code Sections 12585.7 and 12601.

Reference: Water Code Sections 12582.7 and 12585.7; Division 1, Chapter 2, Article 2 of the California Streets and Highways Code; and Government Code Section 65560.

## **Section 572. Process to Determine Project Eligibility and State Cost Share**



The Department or Board shall use the following process to determine project eligibility for state cost sharing:

- (a) As soon as practical, a Sponsor shall notify the Department or Board in writing when it intends to participate in a federal feasibility study that would result in a request for State cost sharing for a flood damage reduction project. The Department will need to be notified for a project that is in the state of California but not on lands along the Sacramento and San Joaquin Rivers and their tributaries and distributaries for which the Board had given assurances to the federal government. Otherwise, the Board will need to be notified for projects on lands along the Sacramento and San Joaquin Rivers and their tributaries and distributaries for which the Board has indicated an intent to give assurances to the federal government or will provide the State cost sharing will provide financial assistance under Water Code Section 12582.7. Following the notification and throughout the course of the study, contingent upon the appropriation of sufficient funds, the Department or Board staff shall review the initial scoping process, feasibility evaluation, environmental review, and project approval process to inform the Sponsor when the opportunities for including multipurpose objectives in the project have been adequately evaluated. While developing recommendations regarding the State cost share, the Department or Board may consult with the Sponsor, any person or organization, local agencies, and State agencies with an interest in or jurisdiction over any of the objectives of the project.
- (b) ~~The Department or Board shall use the following process to determine project eligibility for State cost sharing as required by Water Code Section 12582.7(b):~~
  - (1) During the preparation of the federal feasibility study report, the Department or Board staff shall attend a site inspection tour of the project arranged by the Sponsor. If the project is past the feasibility phase, then the Sponsor shall arrange for this tour as soon as reasonably possible. The Sponsor shall invite interested local and state agencies, organizations and persons, including the general public, by providing written or other reasonable notifications and publication at least 40 ten calendar days before the tour. The Sponsor shall give a field and informational tour of the project and discuss opportunities to include multipurpose objectives. ~~This site tour and Department or Board attendance is contingent upon the appropriation of sufficient funds.~~
  - (2) ~~Within 120 days after the site inspection tour~~ During the feasibility evaluation, the Department or Board shall provide the Sponsor with a written preliminary determination of eligibility for State participation based on the requirements set forth in Water Code Section 12582.7(a), and an estimate of the percent of the state cost share.
- (c) Once the project is federally authorized, the Sponsor will prepare and submit a Draft Nonfederal Cost-Sharing Report to the Department or Board. This report must document the effect of the project's nonfederal capital contributions to the multipurpose objectives using the methods set forth in Sections 573 and 574, and estimate the cost to the state for the state's share of the nonfederal capital costs of the project. The Sponsor shall submit:
  - (1) For each objective, the level of the project's contribution and substantiating data listed in Sections 573 and 574.
  - (2) Substantiating data to demonstrate whether the project meets the requirements set forth in Water Code Sections 12582.7(a) and 12585.9 including the mitigation of individual and cumulative hydraulic impacts.



- (3) Supporting documentation including but not limited to federal feasibility study report and environmental documents.
- (d) The Department or Board will review the Draft Nonfederal Cost-Sharing Report for completeness and accuracy, and, if necessary, return it to the Sponsor for revisions based upon comments and recommendations of the Department or Board. The Department or Board must notify the Sponsor in writing upon determination that the Draft Nonfederal Cost-Sharing Report meets the requirements set forth in Water Code Section 12582.7(a).
- (e) Within thirty days of notification that the Draft Nonfederal Cost-Sharing Report meets the requirements set forth in Water Code Section 12582.7(a), the Sponsor must post the report on the Sponsor's website and circulate the Draft Nonfederal Cost-Sharing Report to interested persons and organizations, and will allow written comments for forty-five days.
- (f) The Sponsor will submit a Final Nonfederal Cost-Sharing Report to the Department or Board.
- (g) The Department or Board will recommend a state cost share.
- (h) The Department or Board will submit a Report to the Legislature.
- (i) The Legislature will determine the final state cost share.

Note: Authority: Water Code Sections 12582.7, 12585.7, 12585.9, and 12601.  
Reference: Water Code Sections 12582.7 and 12585.7.

### **Section 573. Contents of Draft Nonfederal Cost-Sharing Report**

The ~~Sponsor's~~ Draft Nonfederal Cost-Sharing Report shall contain the following substantiating information taken from the federal feasibility study report and other supporting documents:

- (a) A description of the project.
- (b) The project's proposed contribution for each of the multipurpose objectives:
  - (1) For the ~~H~~Habitat objective:
    - (A) A narrative description of the elements of the project that contribute to the ~~H~~Habitat objective and the types of habitat that are created, protected or enhanced by this project; and
    - (B) The method of calculating the percentage of the estimated nonfederal capital costs that contribute to the ~~H~~Habitat objective.
  - (2) For the ~~e~~Open ~~e~~Space objective:
    - (A) A narrative description of the elements of the project that contribute to the ~~e~~Open space objective; and
    - (B) The method of calculating the percentage of estimated nonfederal capital costs that contribute to the ~~e~~Open ~~e~~Space objective.
  - (3) For the ~~r~~Recreation objective:
    - (A) A narrative description of the elements of the project that contribute to the ~~r~~Recreation objective;

- (B) The method used to calculate the accessible and inaccessible areas of project works, and the method of determining any areas withdrawn from public access because such access would constitute a threat to public safety or habitat, or would constitute a trespass on private property; and
- (C) The method of calculating the percentage of the estimated nonfederal capital costs that contributes to the ~~Recreation~~ objective.
- (4) For the ~~Impoverished~~ ~~a~~Area objective:
  - (A) A narrative description of the elements of the project that contribute to the ~~Impoverished~~ ~~a~~Area objective; and
  - (B) The rationale used in determining the project's contribution towards the ~~Impoverished~~ ~~a~~Area objective.
    - 1. The method used to calculate the project's contribution towards the ~~Impoverished~~ ~~a~~Area objective. Provide detailed calculations regarding the increased level of flood protection for the benefited area, median household income and poverty level determination.
    - 2. The source documentation used to evaluate the potential contribution, including publication and compilation dates. The latest decennial U.S. Census Bureau data is the Department's preferred choice of data source; however, a Sponsor may elect to use an alternative method that has been ~~certified as equitable~~ used or reviewed by the Department of Finance, such as the American Community Survey ~~(starting in 2010)~~. All data that is used for evaluation must be applicable to the same year, originate from reliable sources and have details given down to the census block group level or better.
    - 3. A map of the benefited area clearly showing identified boundaries of flood protection levels and census blocks, block groups and tracts. Blocks chosen for evaluation must lie at least ~~50~~ fifty percent within the benefited area.
- (5) For the ~~e~~State ~~f~~Facilities objective:
  - (A) A narrative description of the state water supply facilities and state transportation facilities receiving an increase in flood protection from this project; and
  - (B) The rationale used in determining the project's contribution towards the ~~state water supply and transportation facilities objective~~ State Facilities objective.
    - 1. The method used to calculate the project's contribution towards the ~~e~~State ~~f~~Facilities objective. Provide specific details regarding flood protection improvement and the effect upon state water supply facilities and state transportation facilities.
    - 2. A map of the benefited area clearly showing identified boundaries of flood protection levels and state water supply facilities and state transportation facilities.
- (c) The following estimated costs:
  - (1) Total capital cost;
  - (2) The nonfederal share of the total capital cost;
  - (3) The nonfederal capital costs of fish, wildlife, and recreation mitigation;
  - (4) The nonfederal planning and engineering costs;
  - (5) The total annual value of the benefit of providing flood protection; and
  - (6) The annual benefit and cost of the project allocable to flood management ~~when the project increases the level of flood protection for state facilities.~~
- (d) The Sponsor's estimated share of the capital cost of the project towards each of the five multipurpose objectives (Water Code Sections 12585.7(d)(1) through (d)(5)).



Note: Authority: Water Code Sections 12585.7 and 12601.

Reference: Water Code Sections 12582.7 and 12585.7.

**Section 574. Method to Determine a Significant Contribution of a Project to the Objectives**

- (a) The ~~Sponsor's~~ Draft Nonfederal Cost-Sharing Report will be reviewed by an interdisciplinary Department or Board team comprised of at least three technical experts in the areas of flood management and Habitat, Open Space, and/or Recreation. After the technical review, the evaluation team will provide a narrative explanation for the project's total contribution level and the percentages of nonfederal capital costs assigned to each of the multipurpose objectives. The method of calculating the total ~~Recommended State~~ cost share is provided in Section 575.
- (b) The threshold for significant contributions for the Open Space, Habitat, and Recreation objectives ~~must be~~ is met when a minimum of ~~5~~ five percent of the nonfederal capital costs are spent for meeting an objective. Nonfederal capital costs spent for meeting ~~an~~ one of the three objectives cannot be ~~considered as applying~~ applied towards ~~any~~ the other two objectives. A project with less than ~~5~~ five percent of the nonfederal capital costs allocated to the Open Space, Habitat, or Recreation objective does not meet the criteria for a significant contribution and will not be eligible for an increased state cost share.
- (c) ~~Significant contributions to both the Impoverished Area and State Facilities objectives must be met when a project with provides a ten percent or greater increase in flood protection to the Impoverished Area and State Facilities. A project provides a significant contribution to the Impoverished Area objective by increasing the level of flood protection by at least ten percent to a benefited area that has a median household income of less than 120 percent of the poverty level.~~
- (d) A project provides a significant contribution to the State Facilities objective by increasing the level of flood protection by at least ten percent to state water supply facilities or state transportation facilities.
- ~~(e)~~ (e) The Department or Board ~~team review process~~ will use the following criteria to determine the costs associated with meeting the level of contribution for each of the multipurpose project objectives:
  - (1) Habitat ~~e~~Objective. A significant contribution for the Habitat objective requires that at least ~~5~~ five percent of the project's estimated nonfederal capital costs are contributed towards protecting, creating, enhancing, or providing opportunities for enhancing endangered species, riparian, aquatic, terrestrial, or other important habitats. These habitat improvements must achieve any of the following objectives beyond what is required to mitigate the project's effects on the environment:
    - (A) Promote recovery of at-risk native fish, vegetation or wildlife species;
    - (B) Improve ecological functions of aquatic and/or terrestrial habitats to support sustainable populations of diverse fish, vegetation, and wildlife species;
    - (C) Improve conditions for upstream migration, spawning, egg incubation, emergence, rearing and emigration of priority fish species through adjustment of river flows and temperature;

- (D) Cause increases in early lifestage survival for priority fish species;
  - (E) Improve fish passage through modification or removal of barriers;
  - (F) Influence geomorphic processes within the floodplain in a manner that improves habitat or reduces the potential for fish stranding;
  - (G) Enhance natural processes to support, with minimal human intervention, natural habitats that support native species;
  - (H) Remove and/or prevent the establishment of non-native species; or
  - (I) Provide other important habitat restoration opportunities.
- (2) Open Space Objective. A significant contribution for the Open Space objective requires that at least ~~5~~ five percent of the project's estimated nonfederal capital costs are contributed towards the acquisition and preservation of ~~agricultural or other undeveloped lands~~ open space beyond what is required for project mitigation, ~~that provide for the conveyance and/or storage of flood waters, groundwater recharge, recreational, or wildlife habitat use.~~ Such lands may be acquired in fee or in the form of a flowage or other open space easement that secures the rights necessary for flood management operations and maintenance. ~~the conveyance and/or storage of flood waters. These open space improvements shall achieve any of the following objectives beyond what is required to mitigate the project's effects on the environment:~~
- ~~(A) Preserve cultural/historical, scenic, agricultural, or habitat values;~~
  - ~~(B) Serve as a buffer zone between potentially conflicting land uses;~~
  - ~~(C) Facilitate sediment management;~~
  - ~~(D) Promote groundwater recharge;~~
  - ~~(E) Provide a linkage between areas; or~~
  - ~~(F) Provide other important open space attributes.~~
- (3) Recreation Objective. A significant contribution for the Recreation objective requires that at least ~~5~~ five percent of the project's estimated nonfederal capital costs are contributed towards recreational improvements, such as picnic areas, and foot and bike paths, and provides public access to all or nearly all of the project works, except those areas where public access would constitute a threat to public safety or habitat or would constitute a trespass on private property. These recreation improvements shall achieve any of the following objectives beyond what is required to mitigate the project's effects on the environment:
- (A) Develop and maintain trails for pedestrians, bicycles, and/or equestrians;
  - (B) Modify the operation of flood control facilities to increase the diversity and duration of recreational opportunities;
  - (C) Enhance the condition and quality of existing recreational facilities;
  - (D) Provide facilities for rafting, canoeing, boating, fishing, viewing wildlife, swimming or other water-dependent activities;
  - (E) Provide interpretive facilities and services that enhance visitor appreciation of natural, historical, and cultural resources;
  - (F) Relocate major trails to avoid flooding so that they may remain open all year;
  - (G) Enhance public beach areas;
  - (H) Provide linkage between recreational areas; or
  - (I) Provide other important public recreation opportunities.
- (4) Impoverished Area Objective. A significant contribution for the Impoverished Area objective requires that: 1) the benefited area receives at least a ~~40~~ ten percent increase in flood protection and 2) the benefited area's median household income is less than 120 percent of the poverty level. The increase in flood protection will be determined from either the ~~F~~federal ~~F~~feasibility ~~S~~study ~~R~~report or other supplemental information as deemed appropriate by the Department or Board. If U.S. Census



Bureau website data is chosen, then the following steps will be used to determine if the median household income is less than 120 percent of the poverty level:

- (A) The benefited area will be evaluated to determine the applicable block groups.
- (B) For the applicable block groups, the median household income and average family size will be determined.
- (C) The average family size, rounded up to the next integer, will be used on the latest decennial Poverty Threshold Chart to locate the corresponding poverty level on the chart's weighted average threshold column.
- (D) The median household income will be compared to 120 percent of the poverty level.

The Sponsor may choose an alternative calculation method for the Impoverished Area objective, such as the American Community Survey (starting in 2010). That method must be certified as use data equivalent to the U.S. Census Bureau data and be acceptable to used or reviewed by the Department of Finance prior to any consequent Department or Board evaluations.

- (5) State Facilities Objective. A significant contribution for the State Facilities objective requires that State transportation facilities or State water supply facilities receive at least a 40 ten percent increase in flood protection. The increase in flood protection will be determined from either the federal Feasibility Study Report, or from other supplemental information as deemed appropriate by the Department or Board.

Note: Authority: Water Code Sections 12585.7 and 12601.

Reference: Water Code Section 12585.7.

#### **Section 575. Method for Determining Recommended State Cost-Share**

For projects subject to Water Code Sections 12582.7, 12585.7, and 12585.9, the recommended State cost share is a baseline 50 fifty percent plus the recommended percentage increases for the multipurpose objectives, up to a maximum total of 70 seventy percent, notwithstanding any other provisions stated within the Water Code, Division 6, Part 6, Chapters 1, 2 and 3. The recommended percentage increases will be:

- (a) 0 Zero percent, if the objectives are not met no objectives are met;
- (b) 5 Five percent for each Habitat, Open Space, or Recreation significant contribution when at least 5 five percent and less than 40 ten percent of the nonfederal capital costs are spent for meeting an objective;
- (c) 40 Ten percent for each, Habitat, Open Space, or Recreation significant contribution when the percent of the nonfederal capital costs spent for meeting an objective is at least 40 ten percent and less than fifteen percent;
- (d) 40 percent for each Impoverished Area or State Facilities objective significant contribution. Fifteen percent for each Habitat, Open Space, or Recreation significant contribution when the percent of the nonfederal capital costs spent for meeting an objective is at least fifteen percent and less than twenty percent;
- (e) Twenty percent for each Habitat, Open Space, or Recreation significant contribution when the percent of the nonfederal capital costs spent for meeting an objective is at least twenty percent;
- (f) Twenty percent for a significant contribution to the Impoverished Area objective;
- (g) Ten percent for a significant contribution to the State Facilities objective by benefiting either two state transportation facilities or two state water supply facilities;
- (h) Fifteen percent for a significant contribution to the State Facilities objective by benefiting



- either three state transportation facilities or three state water supply facilities;
- (i) Twenty percent for a significant contribution to the State Facilities objective by benefiting two state transportation facilities and two state water supply facilities; or four state transportation facilities; or four state water supply facilities.

Note: Authority: Water Code Sections 12585.7 and 12601.  
Reference: Water Code Section 12585.7.

#### **Section 576. Report to Legislature**

- ~~(a) Once the project is federally authorized, the Sponsor will finalize and submit a Nonfederal Cost Sharing Report to the Department or Board. The Local Sponsoring Agency will notify the Department when a project that does not involve lands along the Sacramento and San Joaquin River and their tributaries and distributaries may be eligible for State financial assistance; and will notify the Board of a project that involves lands along the Sacramento and San Joaquin River and their tributaries and distributaries for which the Board has given assurances to the federal government or will provide the State cost sharing. This report must document the effect of the project's Nonfederal capital contributions to the multipurpose objectives using the methods set forth in Sections 573 and 574, and estimate the cost to the State for the State's share of the Nonfederal capital costs of the project.~~
- ~~(b) The Department or Board will review the Sponsor's Nonfederal Cost Sharing Report for completeness and accuracy, and, if necessary, return it to the Sponsor for revisions based upon comments and recommendations of the Department or Board. The Department or Board must notify the Sponsor in writing upon determination that the Sponsor's Nonfederal Cost Sharing Report meets the requirements set forth in 12582.7(a).~~
- ~~(c) Within 30 days of determining that the Sponsor's Nonfederal Cost Sharing Report meets the requirements set forth in 12582.7(a), the Sponsor must circulate the Sponsor's Nonfederal Cost Sharing Report to the Legislature and interested persons and organizations, and will allow written comments for 45 days.~~
- ~~(d) The Sponsor will submit the following documents to the Department or Board: a Sponsor's Nonfederal Cost Sharing Report, including a response to public comments; and supporting documentation:~~
- ~~(1) For each objective, the level of the project's contribution and substantiating data listed in Sections 573 and 574.~~
  - ~~(2) Team review recommended State cost share approved by the Department or Board.~~
  - ~~(3) Substantiating data to demonstrate whether the project meets the requirements set forth in Water Code Sections 12582.7(a) and 12585.9 regarding the mitigation of individual or cumulative hydraulic impacts.~~
  - ~~(4) Supporting documentation including but not limited to Federal Feasibility Report and environmental documents.~~
- ~~(e) The Department or Board will approve a final recommended State cost share and forward the final Report and supporting documentation to the Legislature.~~

~~Note: Authority: Water Code Sections 12582.7, 12585.7, 12585.9 and 12601.~~  
~~Reference: Water Code Sections 12585.7.~~

#### **Section 5776. Finality of Authorized State Cost Share; Adjustment**

The State cost share authorized by the Legislature will be the final value, except in the



circumstances described below.

- (a) If the Department or Board determines that there has been a substantial change in the project, which would materially alter the scope or function of a project, or the estimated total project cost has changed by ~~30~~ thirty percent or more, the contributions to the objectives and the recommended ~~S~~state cost share must be recalculated using the methods described in Sections 574 and 575. If the resulting recommended ~~S~~state cost share is different than the previously authorized ~~S~~state cost share, the Department or Board will submit the revised information to the Legislature as an addendum to the report as required by Water Code ~~Sub~~section 12582.7(b). The addendum must include all the items required in Section ~~576~~ 573(b).
- (b) If the Legislature authorizes a new ~~S~~state cost share that is less than the previously authorized ~~S~~state cost share, then the new ~~S~~state cost share will apply, and the Department ~~and~~ or the Board may seek a refund of project reimbursements made or withhold further reimbursements until the revised contribution percentage is achieved.
- (c) If the Legislature authorizes a new ~~S~~state cost share that is more than the previously authorized ~~S~~state cost share, then the new ~~S~~state cost share will apply and the Department or Board ~~must~~ shall pay additional costs authorized by the Legislature as funds may be available.

Note: Authority: Water Code Sections 12582.7, 12585.7 and 12601.  
Reference: Water Code Sections ~~12585.7~~.

**Appendix I**  
**Water Supply Facilities of the State Water Project**

**Part A. Aqueducts of the State Water Project, including joint use facilities:**

<p><u>1. Upper Feather River Division</u></p> <p><u>a. Grizzly Valley Pipeline</u></p> <p><u>2. Oroville Division</u></p> <p><u>a. Thermalito Power Canal</u></p> <p><u>3. North Bay Aqueduct</u></p> <p><u>a. Napa Pipeline</u></p> <p><u>b. Phase II Pipeline</u></p> <p><u>4. South Bay Aqueduct</u></p> <p><u>a. Brushy Creek Pipeline</u></p> <p><u>b. Dyer Canal</u></p> <p><u>c. Altamont Pipeline</u></p> <p><u>d. Livermore Valley Canal</u></p> <p><u>e. Alameda Canal</u></p> <p><u>f. Del Valle Pipeline</u></p> <p><u>g. Del Valle Branch Pipeline</u></p> <p><u>h. La Costa Tunnel</u></p> <p><u>i. Sunol Pipeline</u></p> <p><u>j. Mission Tunnel</u></p> <p><u>k. Santa Clara Pipeline</u></p> <p><u>5. Governor Edmund G. Brown California Aqueduct</u></p> <p><u>6. San Luis Division</u></p> <p><u>a. E.G. Brown California Aqueduct</u></p> <p><u>b. San Luis Canal</u></p> <p><u>6. South San Joaquin Division</u></p> <p><u>a. E.G. Brown California Aqueduct</u></p> <p><u>7. Tehachapi Division</u></p> <p><u>a. Tehachapi Tunnel No. 1</u></p> <p><u>b. Tehachapi Siphon No. 1</u></p> <p><u>c. Tehachapi Tunnel No. 2</u></p> <p><u>d. Pastoria Siphon</u></p> <p><u>e. Tehachapi Tunnel No. 3</u></p> <p><u>f. Carley V. Porter Tunnel</u></p> <p><u>8. Mojave Division</u></p> <p><u>a. Cottonwood Chutes</u></p> <p><u>b. Mojave Siphon</u></p> <p><u>c. Mojave Siphon Second Pipeline</u></p> <p><u>d. Mojave Siphon Powerplant Tunnel</u></p> <p><u>e. East Branch Aqueduct</u></p>	<p><u>9. Santa Ana Division</u></p> <p><u>a. San Bernardino Tunnel</u></p> <p><u>b. Santa Ana Pipeline</u></p> <p><u>10. West Branch</u></p> <p><u>a. Oso Canal</u></p> <p><u>b. Quail Canal</u></p> <p><u>c. Lower Quail Canal</u></p> <p><u>d. Peace Valley Pipeline</u></p> <p><u>e. Gorman Creek Channel Improvements</u></p> <p><u>f. Angeles Tunnel</u></p> <p><u>11. Coastal Branch</u></p> <p><u>a. Coastal Aqueduct</u></p> <p><u>b. Phase I Canal</u></p> <p><u>c. Phase II Pipeline:</u></p> <p><u>A. Reach No. 1 - Devil's Den to Cholame Valley</u></p> <p><u>B. Reach No. 2 - Cholame Valley to Shedd Canyon</u></p> <p><u>C. Reach No. 3 - Shedd Canyon to Calf Canyon</u></p> <p><u>D. Reach No. 4 - Calf Canyon to Cuesta Canyon</u></p> <p><u>E. Cuesta Tunnel</u></p> <p><u>F. Reach No. 5A1 - Cuesta Tunnel to Fiscalini Ranch</u></p> <p><u>G. Reach No. 5A2 - Fiscalini Ranch to Talley Farms</u></p> <p><u>H. Reach No. 5B- Talley Farms to Nipomo</u></p> <p><u>I. Reach No. 6 – Nipomo to Vandenberg Air Force Base</u></p>
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**Part B. Hydroelectric or pumping plants of the State Water Project:**

<u>1. Oroville Division</u> <u>a. Edward Hyatt Powerplant</u> <u>b. Thermalito Powerplant</u> <u>c. Thermalito Diversion Dam</u> <u>Powerplant</u> <u>d. Sutter-Butte Outlet Powerplant</u>	<u>7. Tehachapi Division</u> <u>a. A.D. Edmonston Pumping Plant</u>
<u>2. North Bay Aqueduct</u> <u>a. Barker Slough Pumping Plant</u> <u>b. Cordelia Pumping Plant</u>	<u>8. Mojave Division</u> <u>a. Alamo Powerplant</u> <u>b. Pearblossom Pumping Plant</u> <u>c. Mojave Siphon Powerplant</u>
<u>3. South Bay Aqueduct</u> <u>a. South Bay Pumping Plant</u> <u>b. Del Valle Pumping Plant</u>	<u>9. Santa Ana Division</u> <u>a. Devil Canyon Powerplant</u>
<u>4. North San Joaquin Division</u> <u>a. Harvey O. Banks Delta Pumping</u> <u>Plant</u>	<u>10. West Branch</u> <u>a. Oso Pumping Plant</u> <u>b. William E. Warne Powerplant</u> <u>c. Castaic Powerplant</u>
<u>5. San Luis Division</u> <u>a. William R. Gianelli Pumping –</u> <u>Generating Plant</u> <u>b. Dos Amigos Pumping Plant</u>	<u>11. Coastal Branch</u> <u>a. Las Perillas Pumping Plant</u> <u>b. Badger Hill Pumping Plant</u> <u>c. Devil's Den Pumping Plant</u> <u>d. Bluestone Pumping Plant</u> <u>e. Polonio Pass Pumping Plant</u>
<u>6. South San Joaquin Division</u> <u>a. Buena Vista Pumping Plant</u> <u>b. John R. Teerink Wheeler Ridge</u> <u>Pumping Plant</u> <u>c. Ira J. Chrisman Wind Gap</u> <u>Pumping Plant</u>	

**Part C. Reservoirs or dams of the State Water Project:**

<u>1. Upper Feather River Division</u> <u>a. Frenchman Dam</u> <u>b. Frenchman Lake</u> <u>c. Antelope Dam</u> <u>d. Antelope Lake</u> <u>e. Grizzly Valley Dam</u> <u>f. Lake Davis</u>	<u>6. San Luis Division</u> <u>a. O'Neill Dam</u> <u>b. O'Neill Forebay</u> <u>c. B.F. Sisk San Luis Dam</u> <u>d. San Luis Reservoir</u> <u>e. Los Banos Detention Dam</u> <u>f. Los Banos Reservoir</u> <u>g. Little Panoche Detention Dam</u> <u>h. Little Panoche Reservoir</u> <u>i. Arroyo Pasajero Impoundment</u> <u>Basin</u>
<u>2. Oroville Division</u> <u>a. Oroville Dam</u> <u>b. Lake Oroville</u> <u>c. Parish Camp Saddle Dam</u> <u>d. Bidwell Canyon Saddle Dam</u> <u>e. Feather River Fish Barrier Dam</u> <u>f. Thermalito Diversion Dam</u> <u>g. Thermalito Diversion Pool</u> <u>h. Thermalito Forebay Dam</u> <u>i. Thermalito Forebay</u>	<u>7. Tehachapi Division</u> <u>a. Tehachapi Afterbay</u>
	<u>8. Mojave Division</u> <u>a. Cedar Springs Dam</u> <u>b. Silverwood Lake</u>
	<u>9. Santa Ana Division</u>

<ul style="list-style-type: none"> <li><u>j. Thermalito Afterbay Dam</u></li> <li><u>k. Thermalito Afterbay</u></li> <li><u>3. North Bay Aqueduct</u> <ul style="list-style-type: none"> <li><u>a. Napa Turnout Reservoir</u></li> <li><u>b. Cordelia Forebay</u></li> </ul> </li> <li><u>4. South Bay Aqueduct</u> <ul style="list-style-type: none"> <li><u>a. Patterson Reservoir</u></li> <li><u>b. Del Valle Dam</u></li> <li><u>c. Lake Del Valle</u></li> </ul> </li> <li><u>5. North San Joaquin Division</u> <ul style="list-style-type: none"> <li><u>a. Clifton Court Forebay Dam</u></li> <li><u>b. Clifton Court Forebay</u></li> <li><u>c. Bethany Dams</u></li> <li><u>d. Bethany Reservoir</u></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li><u>a. Devil Canyon Powerplant Afterbay</u></li> <li><u>b. Devil Canyon Powerplant Second Afterbay</u></li> <li><u>c. Perris Dam</u></li> <li><u>d. Lake Perris</u></li> <li><u>10. West Branch</u> <ul style="list-style-type: none"> <li><u>a. Quail Lake</u></li> <li><u>b. Pyramid Dam</u></li> <li><u>c. Pyramid Lake</u></li> <li><u>d. Elderberry Forebay</u></li> <li><u>e. Elderberry Forebay Dam</u></li> <li><u>f. Castaic Dam</u></li> <li><u>g. Castaic Lake</u></li> </ul> </li> </ul>
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**Part D. Other water supply facilities of the State Water Project:**

<ul style="list-style-type: none"> <li><u>1. Oroville Division</u> <ul style="list-style-type: none"> <li><u>a. Oroville Area Control Center</u></li> </ul> </li> <li><u>2. North Bay Aqueduct</u> <ul style="list-style-type: none"> <li><u>a. Cordelia Surge Tank</u></li> <li><u>b. Creston Surge Tank</u></li> <li><u>c. Travis Surge Tank</u></li> </ul> </li> <li><u>3. South Bay Aqueduct</u> <ul style="list-style-type: none"> <li><u>a. Santa Clara Terminal Facilities</u></li> </ul> </li> <li><u>4. North San Joaquin Division</u> <ul style="list-style-type: none"> <li><u>a. Delta Area Control Center</u></li> </ul> </li> <li><u>5. San Luis Division</u> <ul style="list-style-type: none"> <li><u>a. San Luis Area Control Center</u></li> </ul> </li> <li><u>6. South San Joaquin Division</u> <ul style="list-style-type: none"> <li><u>a. Kern River Intertie</u></li> <li><u>b. San Joaquin Area Control Center</u></li> </ul> </li> <li><u>7. Mojave Division</u> <ul style="list-style-type: none"> <li><u>a. First Los Angeles Aqueduct Connection</u></li> <li><u>a. Cedar Springs Dam Maintenance Station</u></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li><u>8. Santa Ana Division</u> <ul style="list-style-type: none"> <li><u>a. San Bernardino Tunnel Intake Structure</u></li> <li><u>b. Perris Dam Maintenance Station</u></li> </ul> </li> <li><u>9. West Branch</u> <ul style="list-style-type: none"> <li><u>a. Angeles Tunnel Intake Works</u></li> <li><u>b. Southern California Area Control Center</u></li> </ul> </li> <li><u>10. East Branch</u> <ul style="list-style-type: none"> <li><u>a. First Los Angeles Aqueduct Connection</u></li> </ul> </li> <li><u>11. Coastal Branch</u> <ul style="list-style-type: none"> <li><u>a. Tank Site 1 - Polonio Pass</u></li> <li><u>b. Tank Site 2 - Creston</u></li> </ul> </li> </ul>
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STATE OF CALIFORNIA  
DEPARTMENT OF WATER RESOURCES  
DIVISION OF FLOOD MANAGEMENT  
3310 EL CAMINO AVENUE  
SACRAMENTO, CA 95821

October 6, 2008

**NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED REGULATIONS**

Pursuant to the requirements of Government Code section 11346.8(c) and section 44 of title 1 of the California Code of Regulations, the Department of Water Resources (Department) is providing notice of changes made to the proposed regulation text for sections 571, 572, 573, 574, 575, 576, and 577. Sections 570, 571, 572, 573, 574, 575, 576, and 577 were the subject of regulatory hearings on June 24 and July 29, 2008. The changes are sufficiently related to the proposed regulations.

The changes are in response to comments received regarding the proposed regulations. The substantial changes are as follows:

Chapter 3.5 – Formerly proposed new chapter 3.5 in the California Code of Regulations (CCR) is changed to proposed new chapter 4.5 to avoid confusion. Currently, Chapter 3 ends with section 509 and chapter 4 starts with section 510. Chapter 4 ends with section 517 and chapter 5 begins with section 595. Therefore, it is numerically more appropriate to insert the proposed sections between chapters 4 and 5.

Section 571 – This section now includes additional defined terms: "Draft Nonfederal Cost-Sharing Report," "Final Nonfederal Cost-Sharing Report," "open space," and "Report to the Legislature." Also, clarifications for the meanings of "Department or Board," "Board," "impoverished area," "poverty level," and "state transportation facility" have been made.

Section 572 – This section was changed to include the process for determining the state cost share formerly contained in section 576. This change describes the complete determination process in one section, adding the Draft and Final Non Federal Cost-Sharing Reports, Report to the Legislature, and state cost share. Also, clarification is provided as to whom the Sponsor notifies when it intends to participate in a federal feasibility study that would result in a request for state cost sharing for a flood damage reduction project. In addition, the time period has been eliminated for the Department or Board to provide a written preliminary determination of eligibility for state participation. The section title was changed for clarity.

Section 573 – This section was changed to clarify that the Sponsor may elect to use an alternative method that has been "used or reviewed" (instead of "certified

as equitable") by the Department of Finance for the Impoverished Area objective. In addition, clarification is made that the estimated annual benefit and cost of the project allocable to flood management shall be included in the Draft Nonfederal Cost-Sharing Report, whether the project increases or does not increase the level of flood protection for state facilities.

Section 574 – In this section, clarification is made that double-counting is not permitted among the Open Space, Habitat, and Recreation objectives; that is, nonfederal capital costs spent for meeting one of the three objectives cannot be applied towards the other two objectives. Further clarifications have been made for the significant contribution thresholds for the Impoverished Area and State Facilities objectives. Additionally, the increase in flood protection for both the Impoverished Area and State Facilities objectives may be determined from the federal feasibility study report or from supplemental information deemed appropriate by the Department or Board. Also, to be consistent with the change in section 573, clarification is made that the Sponsor may elect to use an alternative method that has been "used or reviewed" (instead of "certified as equitable") by the Department of Finance for the Impoverished Area objective. Finally, to be consistent with the added definition of "open space" in section 571, the Open Space objective has been revised.

Section 575 – This section was changed for consistency with Water Code section 12585.7(d): A significant contribution to any of the five objectives may increase the state cost share by up to an additional twenty percent. Also, the prepositional phrase starting with "notwithstanding any other provisions" is changed to prevent potential inconsistency with the Water Code.

Section 576 – This section was changed for clarity. The contents of former section 576 (titled, "Report to the Legislature") were moved to section 572. Thus, former section 577, "Finality of Authorized Cost-Share; Adjustment," is re-numbered as section 576. Clarification is made in this section (formerly section 577) that the addendum to the Legislature must include all the items required in section 573(b), not section 576.

Section 577 – This section was moved to and re-numbered as section 576.

This "Notice of Modifications to Text of Proposed Regulations" and the "Modifications to Text of Proposed Regulations" may also be viewed and downloaded from the Department's website at <http://www.water.ca.gov/floodmgmt/fpo/sgb/fcs/>

If you have any comments regarding the proposed changes, the Department will accept written comments beginning October 6, 2008. All written comments must be submitted to the Department before October 22, 2008 and be addressed to:

Michele Ng  
Department of Water Resources



Division of Flood Management  
3310 El Camino Avenue  
Sacramento, CA 95821

Comments may also be submitted by facsimile (fax) at (916) 574-0331 or by email to [ngm@water.ca.gov](mailto:ngm@water.ca.gov).

All written comments received before October 22, 2008, which pertain to the indicated changes will be reviewed and responded to by the Department as part of the compilation of the rulemaking file. Please limit your comments to the modifications to the text.

## Modifications to Text of Proposed Regulations

Text proposed to be added for the 45-day comment period is displayed in underline type.  
Text proposed to be added for the 15-day comment period is displayed in double underline type.  
Text proposed to be deleted for the 15-day comment period is displayed in ~~double-strikeout underline type~~.

### **Title 23. Waters** **Division 2. Department of Water Resources** **Chapter 34.5. Financial Assistance for Flood Management Projects and** **Small Flood Management Projects**

#### **Section 570. Scope**

These regulations implement Water Code Sections 12582.7, 12585.7 and 12585.9, which became effective on January 1, 2001, by establishing a process for determining the percentage of ~~S~~state financial assistance for flood management projects authorized by the Legislature on or after January 1, 2002.

Note: Authority: Water Code Sections 12585.7, 12585.9 and 12601.  
Reference: Water Code Sections 12582.7 and 12585.7.

#### **Section 571. Definitions**

The following terms used in these regulations have the meanings set forth below:

- (a) "Average family size" means the average family size for a block group. This data can be obtained from the U.S. Census Bureau or other federal, state or local governmental demographics.
- (b) "Benefited area" means the geographical area that is protected by a flood management project.
- (c) "Block" means the smallest subdivision within a census geographic tract. This data can be obtained from the U.S. Census Bureau or other federal, ~~S~~state or local governmental demographics.
- (d) "Block group" means a cluster of blocks within a census geographic tract. The block group is the smallest census unit to have demographic data. This data can be obtained from the U.S. Census Bureau or other federal, ~~S~~state or local governmental demographics.
- (e) "Board" means ~~the~~ Central Valley Flood Protection Board, formerly known as the Reclamation Board.
- (f) "Department" means the Department of Water Resources.
- (g) "Department or Board" means the Board for projects over which the Board has jurisdiction and is the nonfederal sponsor, and the Department for all other projects.



- (h) "Draft Nonfederal Cost-Sharing Report" is a report prepared by the Sponsor to document the Sponsor's estimates of the contributions of the project to the objectives of Water Code Sections 12585.7(d)(1) through 12585.7(d)(5). The requirements of this report are described in Sections 573, 574, and 575 of these regulations.
- ~~(h)~~ (i) "Estimated nonfederal capital cost" means that portion in dollars of the estimated total capital cost of a project determined by the U.S. Army Corps of Engineers or by the Natural Resources Conservation Service to be the financial responsibility of participants other than the United States, usually identified in the federal feasibility study report, final design memorandum or other approved federal project document.
- ~~(h)~~ (j) "Estimated total capital cost" means the total project cost as identified in the final federal feasibility study report, final design memorandum or other approved federal project document. It includes all costs in the federal project subject to cost sharing, such as construction, planning, engineering and design, construction management, lands, easements, relocations, and land disposal and mitigation costs.
- ~~(h)~~ (k) "Federal feasibility study report" means the approved decision document used by the U.S. Army Corps of Engineers or by the Natural Resources Conservation Service, that establishes the feasibility for the project, and typically includes an environmental document prepared under the National Environmental Policy Act.
- (l) "Final Nonfederal Cost-Sharing Report" is a report prepared by the Sponsor that includes the Draft Nonfederal Cost-Sharing Report, comments received during a forty-five-day public comment period, and responses to the public comments.
- ~~(k)~~ (m) "Impoverished area" means a benefited area that has a median household income less than 120 percent of the poverty level, for the most current or most recent year in which data is available at the time the analysis is performed to determine the recommended state cost share.
- ~~(h)~~ (n) "Median household income" means the median household income for a block group. This data can be obtained from the U.S. Census Bureau or other federal, state or local governmental demographics.
- ~~(m)~~ (o) "Objective" means the feature, character, or quality described in Water Code Sections 12585.7(d)(1) through 12585.7(d)(5).
- (1) "Habitat objective" means the objective described in Water Code Section 12585.7(d)(1).
- (2) "Open Space objective" means the objective described in Water Code Section 12585.7(d)(2).
- (3) "Recreation objective" means the objective described in Water Code Section 12585.7(d)(3).
- (4) "Impoverished Area objective" means the objective described in Water Code Section 12585.7(d)(4).
- (5) "State Facilities objective" means the objective described in Water Code Section 12585.7(d)(5).
- (p) "Open space" is any parcel or area of land or water that is essentially unimproved and devoted to an open-space use. The open space either is designated on an open-space or general plan or will be designated upon the next revision of the open-space element of a general plan. Open space is designated as any of the following:
- (1) Open space for the preservation of natural resources;
- (2) Open space used for the managed production of resources, including but not limited to, forest lands, rangeland, agricultural lands;
- (3) Open space for outdoor recreation; and
- (4) Open space for public health and safety, including, but not limited to, flood plains, watersheds, and areas required for the protection of water quality or groundwater recharge.



- ~~(n)~~ (g) "Poverty level" means the monetary income standard that defines whether a family qualifies as living in a state of poverty. The poverty level is determined by using the U.S. Census Bureau's Poverty Thresholds Chart for the most current or most recent year in which data is available, average family size and the median household income, at the time the analysis is performed to determine the recommended state cost share. On the Poverty Threshold Chart, the poverty level is determined by rounding up the value of the average family size, locating that rounded up value on the size of family unit column and locating the corresponding value in the weighted average thresholds column. The corresponding weighted average threshold value is considered to be the poverty level value.
- ~~(o)~~ (r) "Project" means a flood management project receiving financial assistance under Chapters 1 through 4, Part 6, Division 6 of the California Water Code and authorized by the Legislature on or after January 1, 2002, or a small flood management project authorized by Water Code Section 12750 for which the Department of Water Resources has made the findings required by Water Code Section 12750.1 on or after January 1, 2002.
- (s) Report to the Legislature" is a report prepared by the Department or Board that contains a summary of the Sponsor's Final Nonfederal Cost-Sharing Report, recommendations and determinations required in Water Code Sections 12582.7 and 12585.9, and the Department or Board's recommended state cost share.
- ~~(p)~~ (t) "Sponsor" means the local public agency or lead local public agency sharing in the nonfederal project cost.
- ~~(q)~~ "Sponsor's nonfederal Cost Sharing Report" is a report prepared by the sponsor to document the sponsor's estimates of the contributions of the project to the objectives of Water Code Sections 12585.7(d)(1) through 12585.7(d)(5). The requirements of this report are described in Sections 574 and 575 of these proposed regulations.
- ~~(t)~~ (u) "State cost share" means the percentage of the nonfederal costs that the state is required to pay pursuant to Water Code Section 12585.7.
- ~~(r)~~ (v) "State transportation facility" ~~means~~ is a state-numbered freeway, expressway, or highway route as identified in Division 1, Chapter 2, Article 2 of the California Streets and Highways Code, including ~~all~~ facilities for the transportation of passengers and property to and over any toll bridge, tube or other highway crossing and the approaches to each end thereof, acquired or constructed, ~~to be acquired or constructed,~~ or in course of construction by the state. Where a freeway, expressway or highway is labeled with more than one numerical designation, it shall be considered a single state transportation facility. ~~State transportation facility includes terminals, stations, viaducts, rails, tracks, power stations, substations and equipment and power supply lines, storage yards, and the real property, easements, and rights of way upon which any of them are located or situated or which are necessary therefore, and equipment, signals and interlockers, cars and rolling stock, and franchises, rights, and privileges appurtenant thereto.~~
- ~~(s)~~ (w) "State water supply facility" is a ~~S~~state water supply facility listed in Appendix I, "Water Supply Facilities of the State Water Project."
- ~~(u)~~ (x) "Tract" means the census derived geographic subdivisions of a county.

Note: Authority: Water Code Sections 12585.7 and 12601.

Reference: Water Code Sections 12582.7 and 12585.7; Division 1, Chapter 2, Article 2 of the California Streets and Highways Code; and Government Code Section 65560.

## Section 572. Process to Determine Project Eligibility and State Cost Share



The Department or Board shall use the following process to determine project eligibility for state cost sharing:

(a) As soon as practical, a Sponsor shall notify the Department or Board in writing when it intends to participate in a federal feasibility study that would result in a request for State cost sharing for a flood damage reduction project. The Department will need to be notified for a project that is in the state of California but not on lands along the Sacramento and San Joaquin Rivers and their tributaries and distributaries for which the Board had given assurances to the federal government. Otherwise, the Board will need to be notified for projects on lands along the Sacramento and San Joaquin Rivers and their tributaries and distributaries for which the Board has indicated an intent to give assurances to the federal government or will provide the State cost sharing will provide financial assistance under Water Code Section 12582.7. Following the notification and throughout the course of the study, contingent upon the appropriation of sufficient funds, the Department or Board staff shall review the initial scoping process, feasibility evaluation, environmental review, and project approval process to inform the Sponsor when the opportunities for including multipurpose objectives in the project have been adequately evaluated. While developing recommendations regarding the State cost share, the Department or Board may consult with the Sponsor, any person or organization, local agencies, and State agencies with an interest in or jurisdiction over any of the objectives of the project.

(b) ~~The Department or Board shall use the following process to determine project eligibility for State cost sharing as required by Water Code Section 12582.7(b):~~

(1) During the preparation of the federal feasibility study report, the Department or Board staff shall attend a site inspection tour of the project arranged by the Sponsor. If the project is past the feasibility phase, then the Sponsor shall arrange for this tour as soon as reasonably possible. The Sponsor shall invite interested local and state agencies, organizations and persons, including the general public, by providing written or other reasonable notifications and publication at least 40 ten calendar days before the tour. The Sponsor shall give a field and informational tour of the project and discuss opportunities to include multipurpose objectives. ~~This site tour and Department or Board attendance is contingent upon the appropriation of sufficient funds.~~

(2) ~~Within 120 days after the site inspection tour~~ During the feasibility evaluation, the Department or Board shall provide the Sponsor with a written preliminary determination of eligibility for State participation based on the requirements set forth in Water Code Section 12582.7(a), and an estimate of the percent of the state cost share.

(c) Once the project is federally authorized, the Sponsor will prepare and submit a Draft Nonfederal Cost-Sharing Report to the Department or Board. This report must document the effect of the project's nonfederal capital contributions to the multipurpose objectives using the methods set forth in Sections 573 and 574, and estimate the cost to the state for the state's share of the nonfederal capital costs of the project. The Sponsor shall submit:

(1) For each objective, the level of the project's contribution and substantiating data listed in Sections 573 and 574.

(2) Substantiating data to demonstrate whether the project meets the requirements set forth in Water Code Sections 12582.7(a) and 12585.9 including the mitigation of individual and cumulative hydraulic impacts.

- (3) Supporting documentation including but not limited to federal feasibility study report and environmental documents.
- (d) The Department or Board will review the Draft Nonfederal Cost-Sharing Report for completeness and accuracy, and, if necessary, return it to the Sponsor for revisions based upon comments and recommendations of the Department or Board. The Department or Board must notify the Sponsor in writing upon determination that the Draft Nonfederal Cost-Sharing Report meets the requirements set forth in Water Code Section 12582.7(a).
- (e) Within thirty days of notification that the Draft Nonfederal Cost-Sharing Report meets the requirements set forth in Water Code Section 12582.7(a), the Sponsor must post the report on the Sponsor's website and circulate the Draft Nonfederal Cost-Sharing Report to interested persons and organizations, and will allow written comments for forty-five days.
- (f) The Sponsor will submit a Final Nonfederal Cost-Sharing Report to the Department or Board.
- (g) The Department or Board will recommend a state cost share.
- (h) The Department or Board will submit a Report to the Legislature.
- (i) The Legislature will determine the final state cost share.

Note: Authority: Water Code Sections 12582.7, 12585.7, 12585.9, and 12601.  
Reference: Water Code Sections 12582.7 and 12585.7.

### **Section 573. Contents of Draft Nonfederal Cost-Sharing Report**

The ~~Sponsor's~~ Draft Nonfederal Cost-Sharing Report shall contain the following substantiating information taken from the federal feasibility study report and other supporting documents:

- (a) A description of the project.
- (b) The project's proposed contribution for each of the multipurpose objectives:
- (1) For the ~~H~~Habitat objective:
- (A) A narrative description of the elements of the project that contribute to the ~~H~~Habitat objective and the types of habitat that are created, protected or enhanced by this project; and
- (B) The method of calculating the percentage of the estimated nonfederal capital costs that contribute to the ~~H~~Habitat objective.
- (2) For the ~~e~~Open ~~s~~Space objective:
- (A) A narrative description of the elements of the project that contribute to the ~~e~~Open space objective; and
- (B) The method of calculating the percentage of estimated nonfederal capital costs that contribute to the ~~e~~Open ~~s~~Space objective.
- (3) For the ~~r~~Recreation objective:
- (A) A narrative description of the elements of the project that contribute to the ~~r~~Recreation objective;



- (B) The method used to calculate the accessible and inaccessible areas of project works, and the method of determining any areas withdrawn from public access because such access would constitute a threat to public safety or habitat, or would constitute a trespass on private property; and
- (C) The method of calculating the percentage of the estimated nonfederal capital costs that contributes to the Recreation objective.
- (4) For the Impoverished Area objective:
  - (A) A narrative description of the elements of the project that contribute to the Impoverished Area objective; and
  - (B) The rationale used in determining the project's contribution towards the Impoverished Area objective.
    - 1. The method used to calculate the project's contribution towards the Impoverished Area objective. Provide detailed calculations regarding the increased level of flood protection for the benefited area, median household income and poverty level determination.
    - 2. The source documentation used to evaluate the potential contribution, including publication and compilation dates. The latest decennial U.S. Census Bureau data is the Department's preferred choice of data source; however, a Sponsor may elect to use an alternative method that has been ~~certified as equitable~~ used or reviewed by the Department of Finance, such as the American Community Survey (starting in 2010). All data that is used for evaluation must be applicable to the same year, originate from reliable sources and have details given down to the census block group level or better.
    - 3. A map of the benefited area clearly showing identified boundaries of flood protection levels and census blocks, block groups and tracts. Blocks chosen for evaluation must lie at least 50 fifty percent within the benefited area.
- (5) For the State Facilities objective:
  - (A) A narrative description of the state water supply facilities and state transportation facilities receiving an increase in flood protection from this project; and
  - (B) The rationale used in determining the project's contribution towards the ~~state water supply and transportation facilities objective~~ State Facilities objective.
    - 1. The method used to calculate the project's contribution towards the State Facilities objective. Provide specific details regarding flood protection improvement and the effect upon state water supply facilities and state transportation facilities.
    - 2. A map of the benefited area clearly showing identified boundaries of flood protection levels and state water supply facilities and state transportation facilities.
- (c) The following estimated costs:
  - (1) Total capital cost;
  - (2) The nonfederal share of the total capital cost;
  - (3) The nonfederal capital costs of fish, wildlife, and recreation mitigation;
  - (4) The nonfederal planning and engineering costs;
  - (5) The total annual value of the benefit of providing flood protection; and
  - (6) The annual benefit and cost of the project allocable to flood management ~~when the project increases the level of flood protection for state facilities.~~
- (d) The Sponsor's estimated share of the capital cost of the project towards each of the five multipurpose objectives (Water Code Sections 12585.7(d)(1) through (d)(5)).

Note: Authority: Water Code Sections 12585.7 and 12601.  
Reference: Water Code Sections 12582.7 and 12585.7.

**Section 574. Method to Determine a Significant Contribution of a Project to the Objectives**

- (a) ~~The Sponsor's Draft Nonfederal Cost-Sharing Report will be reviewed by an interdisciplinary Department or Board team comprised of at least three technical experts in the areas of flood management and Habitat, Open Space, and/or Recreation. After the technical review, the evaluation team will provide a narrative explanation for the project's total contribution level and the percentages of non federal capital costs assigned to each of the multipurpose objectives. The method of calculating the total Recommended State cost share is provided in Section 575.~~
- (b) ~~The threshold for significant contributions for the Open Space, Habitat, and Recreation objectives must be is met when a minimum of 5 five percent of the nonfederal capital costs are spent for meeting an objective. Nonfederal capital costs spent for meeting an one of the three objectives cannot be considered as applying applied towards any the other two objectives. A project with less than 5 five percent of the nonfederal capital costs allocated to the Open Space, Habitat, or Recreation objective does not meet the criteria for a significant contribution and will not be eligible for an increased state cost share.~~
- (c) ~~Significant contributions to both the Impoverished Area and State Facilities objectives must be met when a project with provides a ten percent or greater increase in flood protection to the Impoverished Area and State Facilities. A project provides a significant contribution to the Impoverished Area objective by increasing the level of flood protection by at least ten percent to a benefited area that has a median household income of less than 120 percent of the poverty level.~~
- (d) ~~A project provides a significant contribution to the State Facilities objective by increasing the level of flood protection by at least ten percent to state water supply facilities or state transportation facilities.~~
- (d) (e) ~~The Department or Board team review process will use the following criteria to determine the costs associated with meeting the level of contribution for each of the multipurpose project objectives:~~
- (1) ~~Habitat Objective. A significant contribution for the Habitat objective requires that at least 5 five percent of the project's estimated nonfederal capital costs are contributed towards protecting, creating, enhancing, or providing opportunities for enhancing endangered species, riparian, aquatic, terrestrial, or other important habitats. These habitat improvements must achieve any of the following objectives beyond what is required to mitigate the project's effects on the environment:~~
- ~~(A) Promote recovery of at-risk native fish, vegetation or wildlife species;~~
  - ~~(B) Improve ecological functions of aquatic and/or terrestrial habitats to support sustainable populations of diverse fish, vegetation, and wildlife species;~~
  - ~~(C) Improve conditions for upstream migration, spawning, egg in cubation, emergence, rearing and emigration of priority fish species through adjustment of river flows and temperature;~~



- (D) Cause increases in early lifestage survival for priority fish species;
  - (E) Improve fish passage through modification or removal of barriers;
  - (F) Influence geomorphic processes within the floodplain in a manner that improves habitat or reduces the potential for fish stranding;
  - (G) Enhance natural processes to support, with minimal human intervention, natural habitats that support native species;
  - (H) Remove and/or prevent the establishment of non-native species; or
  - (I) Provide other important habitat restoration opportunities.
- (2) Open Space Objective. A significant contribution for the Open Space objective requires that at least ~~5~~ five percent of the project's estimated nonfederal capital costs are contributed towards the acquisition and preservation of ~~agricultural or other undeveloped lands~~ open space beyond what is required for project mitigation, that provide for the conveyance and/or storage of flood waters, groundwater recharge, recreational, or wildlife habitat use. Such lands may be acquired in fee or in the form of a flowage or other open space easement that secures the rights necessary for flood management operations and maintenance. ~~the conveyance and/or storage of flood waters. These open space improvements shall achieve any of the following objectives beyond what is required to mitigate the project's effects on the environment:~~
- (A) Preserve cultural/historical, scenic, agricultural, or habitat values;
  - (B) Serve as a buffer zone between potentially conflicting land uses;
  - (C) Facilitate sediment management;
  - (D) Promote groundwater recharge;
  - (E) Provide a linkage between areas; or
  - (F) Provide other important open space attributes.
- (3) Recreation Objective. A significant contribution for the Recreation objective requires that at least ~~5~~ five percent of the project's estimated nonfederal capital costs are contributed towards recreational improvements, such as picnic areas, and foot and bike paths, and provides public access to all or nearly all of the project works, except those areas where public access would constitute a threat to public safety or habitat or would constitute a trespass on private property. These recreation improvements shall achieve any of the following objectives beyond what is required to mitigate the project's effects on the environment:
- (A) Develop and maintain trails for pedestrians, bicycles, and/or equestrians;
  - (B) Modify the operation of flood control facilities to increase the diversity and duration of recreational opportunities;
  - (C) Enhance the condition and quality of existing recreational facilities;
  - (D) Provide facilities for rafting, canoeing, boating, fishing, viewing wildlife, swimming or other water-dependent activities;
  - (E) Provide interpretive facilities and services that enhance visitor appreciation of natural, historical, and cultural resources;
  - (F) Relocate major trails to avoid flooding so that they may remain open all year;
  - (G) Enhance public beach areas;
  - (H) Provide linkage between recreational areas; or
  - (I) Provide other important public recreation opportunities.
- (4) Impoverished Area Objective. A significant contribution for the Impoverished Area objective requires that: 1) the benefited area receives at least a ~~40~~ ten percent increase in flood protection and 2) the benefited area's median household income is less than 120 percent of the poverty level. The increase in flood protection will be determined from either the ~~F~~federal ~~F~~feasibility ~~S~~study ~~R~~report or other supplemental information as deemed appropriate by the Department or Board. If U.S. Census



Bureau website data is chosen, then the following steps will be used to determine if the median household income is less than 120 percent of the poverty level:

- (A) The benefited area will be evaluated to determine the applicable block groups.
- (B) For the applicable block groups, the median household income and average family size will be determined.
- (C) The average family size, rounded up to the next integer, will be used on the latest decennial Poverty Threshold Chart to locate the corresponding poverty level on the chart's weighted average threshold column.
- (D) The median household income will be compared to 120 percent of the poverty level.

The Sponsor may choose an alternative calculation method for the Impoverished Area objective, such as the American Community Survey (starting in 2010). That method must be certified as use data equivalent to the U.S. Census Bureau data and be acceptable to used or reviewed by the Department of Finance prior to any consequent Department or Board evaluations.

- (5) State Facilities Objective. A significant contribution for the State Facilities objective requires that State transportation facilities or State water supply facilities receive at least a 40 ten percent increase in flood protection. The increase in flood protection will be determined from either the federal Feasibility Study Report, or from other supplemental information as deemed appropriate by the Department or Board.

Note: Authority: Water Code Sections 12585.7 and 12601.

Reference: Water Code Section 12585.7.

#### **Section 575. Method for Determining Recommended State Cost-Share**

For projects subject to Water Code Sections 12582.7, 12585.7, and 12585.9, the recommended State cost share is a baseline 50 fifty percent plus the recommended percentage increases for the multipurpose objectives, up to a maximum total of 70 seventy percent, notwithstanding any other provisions stated within the Water Code, Division 6, Part 6, Chapters 1, 2 and 3. The recommended percentage increases will be:

- (a) 0 Zero percent, if the objectives are not met no objectives are met;
- (b) 5 Five percent for each Habitat, Open Space, or Recreation significant contribution when at least 5 five percent and less than 40 ten percent of the nonfederal capital costs are spent for meeting an objective;
- (c) 40 Ten percent for each Habitat, Open Space, or Recreation significant contribution when the percent of the nonfederal capital costs spent for meeting an objective is at least 40 ten percent and less than fifteen percent;
- (d) 40 percent for each Impoverished Area or State Facilities objective significant contribution. Fifteen percent for each Habitat, Open Space, or Recreation significant contribution when the percent of the nonfederal capital costs spent for meeting an objective is at least fifteen percent and less than twenty percent;
- (e) Twenty percent for each Habitat, Open Space, or Recreation significant contribution when the percent of the nonfederal capital costs spent for meeting an objective is at least twenty percent;
- (f) Twenty percent for a significant contribution to the Impoverished Area objective;
- (g) Ten percent for a significant contribution to the State Facilities objective by benefiting either two state transportation facilities or two state water supply facilities;
- (h) Fifteen percent for a significant contribution to the State Facilities objective by benefiting



- either three state transportation facilities or three state water supply facilities;
- (i) Twenty percent for a significant contribution to the State Facilities objective by benefiting two state transportation facilities and two state water supply facilities; or four state transportation facilities; or four state water supply facilities.

Note: Authority: Water Code Sections 12585.7 and 12601.  
Reference: Water Code Section 12585.7.

#### **Section 576. Report to Legislature**

- ~~(a) Once the project is federally authorized, the Sponsor will finalize and submit a Nonfederal Cost Sharing Report to the Department or Board. The Local Sponsoring Agency will notify the Department when a project that does not involve lands along the Sacramento and San Joaquin River and their tributaries and distributaries may be eligible for State financial assistance; and will notify the Board of a project that involves lands along the Sacramento and San Joaquin River and their tributaries and distributaries for which the Board has given assurances to the federal government or will provide the State cost sharing. This report must document the effect of the project's Nonfederal capital contributions to the multipurpose objectives using the methods set forth in Sections 573 and 574, and estimate the cost to the State for the State's share of the Nonfederal capital costs of the project.~~
- ~~(b) The Department or Board will review the Sponsor's Nonfederal Cost Sharing Report for completeness and accuracy, and, if necessary, return it to the Sponsor for revisions based upon comments and recommendations of the Department or Board. The Department or Board must notify the Sponsor in writing upon determination that the Sponsor's Nonfederal Cost Sharing Report meets the requirements set forth in 12582.7(a).~~
- ~~(c) Within 30 days of determining that the Sponsor's Nonfederal Cost Sharing Report meets the requirements set forth in 12582.7(a), the Sponsor must circulate the Sponsor's Nonfederal Cost Sharing Report to the Legislature and interested persons and organizations, and will allow written comments for 45 days.~~
- ~~(d) The Sponsor will submit the following documents to the Department or Board: a Sponsor's Nonfederal Cost Sharing Report, including a response to public comments; and supporting documentation:~~
- ~~(1) For each objective, the level of the project's contribution and substantiating data listed in Sections 573 and 574.~~
  - ~~(2) Team review recommended State cost share approved by the Department or Board.~~
  - ~~(3) Substantiating data to demonstrate whether the project meets the requirements set forth in Water Code Sections 12582.7(a) and 12585.9 regarding the mitigation of individual or cumulative hydraulic impacts.~~
  - ~~(4) Supporting documentation including but not limited to Federal Feasibility Report and environmental documents.~~
- ~~(e) The Department or Board will approve a final recommended State cost share and forward the final Report and supporting documentation to the Legislature.~~

Note: Authority: Water Code Sections 12582.7, 12585.7, 12585.9 and 12601.  
Reference: Water Code Sections 12585.7.

#### **Section 5776. Finality of Authorized State Cost Share; Adjustment**

The State cost share authorized by the Legislature will be the final value, except in the

circumstances described below.

- (a) If the Department or Board determines that there has been a substantial change in the project, which would materially alter the scope or function of a project, or the estimated total project cost has changed by ~~30~~ thirty percent or more, the contributions to the objectives and the recommended State cost share must be recalculated using the methods described in Sections 574 and 575. If the resulting recommended State cost share is different than the previously authorized State cost share, the Department or Board will submit the revised information to the Legislature as an addendum to the report as required by Water Code Subsection 12582.7(b). The addendum must include all the items required in Section ~~576~~ 573(b).
- (b) If the Legislature authorizes a new State cost share that is less than the previously authorized State cost share, then the new State cost share will apply, and the Department ~~and~~ or the Board may seek a refund of project reimbursements made or withhold further reimbursements until the revised contribution percentage is achieved.
- (c) If the Legislature authorizes a new State cost share that is more than the previously authorized State cost share, then the new State cost share will apply and the Department or Board ~~must~~ shall pay additional costs authorized by the Legislature as funds may be available.

Note: Authority: Water Code Sections 12582.7, 12585.7 and 12601.

Reference: Water Code Sections ~~12585.7~~.



Appendix I  
Water Supply Facilities of the State Water Project

**Part A. Aqueducts of the State Water Project, including joint use facilities:**

<u>1. Upper Feather River Division</u> <u>a. Grizzly Valley Pipeline</u>	<u>9. Santa Ana Division</u> <u>a. San Bernardino Tunnel</u> <u>b. Santa Ana Pipeline</u>
<u>2. Oroville Division</u> <u>a. Thermalito Power Canal</u>	<u>10. West Branch</u> <u>a. Oso Canal</u> <u>b. Quail Canal</u> <u>c. Lower Quail Canal</u> <u>d. Peace Valley Pipeline</u> <u>e. Gorman Creek Channel Improvements</u> <u>f. Angeles Tunnel</u>
<u>3. North Bay Aqueduct</u> <u>a. Napa Pipeline</u> <u>b. Phase II Pipeline</u>	<u>11. Coastal Branch</u> <u>a. Coastal Aqueduct</u> <u>b. Phase I Canal</u> <u>c. Phase II Pipeline:</u> <u>A. Reach No. 1 - Devil's Den to</u> <u>Cholame Valley</u> <u>B. Reach No. 2 - Cholame Valley to</u> <u>Shedd Canyon</u> <u>C. Reach No. 3 - Shedd Canyon to</u> <u>Calf Canyon</u> <u>D. Reach No. 4 - Calf Canyon to</u> <u>Cuesta Canyon</u> <u>E. Cuesta Tunnel</u> <u>F. Reach No. 5A1 - Cuesta Tunnel to</u> <u>Fiscalini Ranch</u> <u>G. Reach No. 5A2 - Fiscalini Ranch to</u> <u>Talley Farms</u> <u>H. Reach No. 5B- Talley Farms to</u> <u>Nipomo</u> <u>I. Reach No. 6 – Nipomo to</u> <u>Vandenberg Air Force Base</u>
<u>4. South Bay Aqueduct</u> <u>a. Brushy Creek Pipeline</u> <u>b. Dyer Canal</u> <u>c. Altamont Pipeline</u> <u>d. Livermore Valley Canal</u> <u>e. Alameda Canal</u> <u>f. Del Valle Pipeline</u> <u>g. Del Valle Branch Pipeline</u> <u>h. La Costa Tunnel</u> <u>i. Sunol Pipeline</u> <u>j. Mission Tunnel</u> <u>k. Santa Clara Pipeline</u>	
<u>5. Governor Edmund G. Brown</u> <u>California Aqueduct</u>	
<u>6. San Luis Division</u> <u>a. E.G. Brown California Aqueduct</u> <u>b. San Luis Canal</u>	
<u>6. South San Joaquin Division</u> <u>a. E.G. Brown California Aqueduct</u>	
<u>7. Tehachapi Division</u> <u>a. Tehachapi Tunnel No. 1</u> <u>b. Tehachapi Siphon No. 1</u> <u>c. Tehachapi Tunnel No. 2</u> <u>d. Pastoria Siphon</u> <u>e. Tehachapi Tunnel No. 3</u> <u>f. Carley V. Porter Tunnel</u>	
<u>8. Mojave Division</u> <u>a. Cottonwood Chutes</u> <u>b. Mojave Siphon</u> <u>c. Mojave Siphon Second Pipeline</u> <u>d. Mojave Siphon Powerplant</u> <u>Tunnel</u> <u>e. East Branch Aqueduct</u>	

**Part B. Hydroelectric or pumping plants of the State Water Project:**

<p><u>1. Oroville Division</u></p> <p>a. <u>Edward Hyatt Powerplant</u></p> <p>b. <u>Thermalito Powerplant</u></p> <p>c. <u>Thermalito Diversion Dam Powerplant</u></p> <p>d. <u>Sutter-Butte Outlet Powerplant</u></p> <p><u>2. North Bay Aqueduct</u></p> <p>a. <u>Barker Slough Pumping Plant</u></p> <p>b. <u>Cordelia Pumping Plant</u></p> <p><u>3. South Bay Aqueduct</u></p> <p>a. <u>South Bay Pumping Plant</u></p> <p>b. <u>Del Valle Pumping Plant</u></p> <p><u>4. North San Joaquin Division</u></p> <p>a. <u>Harvey O. Banks Delta Pumping Plant</u></p> <p><u>5. San Luis Division</u></p> <p>a. <u>William R. Gianelli Pumping – Generating Plant</u></p> <p>b. <u>Dos Amigos Pumping Plant</u></p> <p><u>6. South San Joaquin Division</u></p> <p>a. <u>Buena Vista Pumping Plant</u></p> <p>b. <u>John R. Teerink Wheeler Ridge Pumping Plant</u></p> <p>c. <u>Ira J. Chrisman Wind Gap Pumping Plant</u></p>	<p><u>7. Tehachapi Division</u></p> <p>a. <u>A.D. Edmonston Pumping Plant</u></p> <p><u>8. Mojave Division</u></p> <p>a. <u>Alamo Powerplant</u></p> <p>b. <u>Pearblossom Pumping Plant</u></p> <p>c. <u>Mojave Siphon Powerplant</u></p> <p><u>9. Santa Ana Division</u></p> <p>a. <u>Devil Canyon Powerplant</u></p> <p><u>10. West Branch</u></p> <p>a. <u>Oso Pumping Plant</u></p> <p>b. <u>William E. Warne Powerplant</u></p> <p>c. <u>Castaic Powerplant</u></p> <p><u>11. Coastal Branch</u></p> <p>a. <u>Las Perillas Pumping Plant</u></p> <p>b. <u>Badger Hill Pumping Plant</u></p> <p>c. <u>Devil's Den Pumping Plant</u></p> <p>d. <u>Bluestone Pumping Plant</u></p> <p>e. <u>Polonio Pass Pumping Plant</u></p>
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**Part C. Reservoirs or dams of the State Water Project:**

<p><u>1. Upper Feather River Division</u></p> <p>a. <u>Frenchman Dam</u></p> <p>b. <u>Frenchman Lake</u></p> <p>c. <u>Antelope Dam</u></p> <p>d. <u>Antelope Lake</u></p> <p>e. <u>Grizzly Valley Dam</u></p> <p>f. <u>Lake Davis</u></p> <p><u>2. Oroville Division</u></p> <p>a. <u>Oroville Dam</u></p> <p>b. <u>Lake Oroville</u></p> <p>c. <u>Parish Camp Saddle Dam</u></p> <p>d. <u>Bidwell Canyon Saddle Dam</u></p> <p>e. <u>Feather River Fish Barrier Dam</u></p> <p>f. <u>Thermalito Diversion Dam</u></p> <p>g. <u>Thermalito Diversion Pool</u></p> <p>h. <u>Thermalito Forebay Dam</u></p> <p>i. <u>Thermalito Forebay</u></p>	<p><u>6. San Luis Division</u></p> <p>a. <u>O'Neill Dam</u></p> <p>b. <u>O'Neill Forebay</u></p> <p>c. <u>B.F. Sisk San Luis Dam</u></p> <p>d. <u>San Luis Reservoir</u></p> <p>e. <u>Los Banos Detention Dam</u></p> <p>f. <u>Los Banos Reservoir</u></p> <p>g. <u>Little Panoche Detention Dam</u></p> <p>h. <u>Little Panoche Reservoir</u></p> <p>i. <u>Arroyo Pasaero Impoundment Basin</u></p> <p><u>7. Tehachapi Division</u></p> <p>a. <u>Tehachapi Afterbay</u></p> <p><u>8. Mojave Division</u></p> <p>a. <u>Cedar Springs Dam</u></p> <p>b. <u>Silverwood Lake</u></p> <p><u>9. Santa Ana Division</u></p>
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<ul style="list-style-type: none"> <li><u>j. Thermalito Afterbay Dam</u></li> <li><u>k. Thermalito Afterbay</u></li> </ul>	<ul style="list-style-type: none"> <li><u>a. Devil Canyon Powerplant Afterbay</u></li> <li><u>b. Devil Canyon Powerplant Second Afterbay</u></li> <li><u>c. Perris Dam</u></li> <li><u>d. Lake Perris</u></li> </ul>
<ul style="list-style-type: none"> <li>3. <u>North Bay Aqueduct</u> <ul style="list-style-type: none"> <li><u>a. Napa Turnout Reservoir</u></li> <li><u>b. Cordelia Forebay</u></li> </ul> </li> </ul>	
<ul style="list-style-type: none"> <li>4. <u>South Bay Aqueduct</u> <ul style="list-style-type: none"> <li><u>a. Patterson Reservoir</u></li> <li><u>b. Del Valle Dam</u></li> <li><u>c. Lake Del Valle</u></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>10. <u>West Branch</u> <ul style="list-style-type: none"> <li><u>a. Quail Lake</u></li> <li><u>b. Pyramid Dam</u></li> <li><u>c. Pyramid Lake</u></li> <li><u>d. Elderberry Forebay</u></li> <li><u>e. Elderberry Forebay Dam</u></li> <li><u>f. Castaic Dam</u></li> <li><u>g. Castaic Lake</u></li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>5. <u>North San Joaquin Division</u> <ul style="list-style-type: none"> <li><u>a. Clifton Court Forebay Dam</u></li> <li><u>b. Clifton Court Forebay</u></li> <li><u>c. Bethany Dams</u></li> <li><u>d. Bethany Reservoir</u></li> </ul> </li> </ul>	

**Part D. Other water supply facilities of the State Water Project:**

<ul style="list-style-type: none"> <li>1. <u>Oroville Division</u> <ul style="list-style-type: none"> <li><u>a. Oroville Area Control Center</u></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>8. <u>Santa Ana Division</u> <ul style="list-style-type: none"> <li><u>a. San Bernardino Tunnel Intake Structure</u></li> <li><u>b. Perris Dam Maintenance Station</u></li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>2. <u>North Bay Aqueduct</u> <ul style="list-style-type: none"> <li><u>a. Cordelia Surge Tank</u></li> <li><u>b. Creston Surge Tank</u></li> <li><u>c. Travis Surge Tank</u></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>9. <u>West Branch</u> <ul style="list-style-type: none"> <li><u>a. Angeles Tunnel Intake Works</u></li> <li><u>b. Southern California Area Control Center</u></li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>3. <u>South Bay Aqueduct</u> <ul style="list-style-type: none"> <li><u>a. Santa Clara Terminal Facilities</u></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>10. <u>East Branch</u> <ul style="list-style-type: none"> <li><u>a. First Los Angeles Aqueduct Connection</u></li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>4. <u>North San Joaquin Division</u> <ul style="list-style-type: none"> <li><u>a. Delta Area Control Center</u></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>11. <u>Coastal Branch</u> <ul style="list-style-type: none"> <li><u>a. Tank Site 1 - Polonio Pass</u></li> <li><u>b. Tank Site 2 - Creston</u></li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>5. <u>San Luis Division</u> <ul style="list-style-type: none"> <li><u>a. San Luis Area Control Center</u></li> </ul> </li> </ul>	
<ul style="list-style-type: none"> <li>6. <u>South San Joaquin Division</u> <ul style="list-style-type: none"> <li><u>a. Kern River Intertie</u></li> <li><u>b. San Joaquin Area Control Center</u></li> </ul> </li> </ul>	
<ul style="list-style-type: none"> <li>7. <u>Mojave Division</u> <ul style="list-style-type: none"> <li><u>a. First Los Angeles Aqueduct Connection</u></li> <li><u>a. Cedar Springs Dam Maintenance Station</u></li> </ul> </li> </ul>	